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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of:  
DERRIEN, et al.

Serial No.: 09/600,968

Filed: July 25, 2000

Group Art Unit: 1761

Examiner: Leslie Wong

For: DIETETIC COMPOSITION IN THE  
FORM OF A SUBSTITUTION SALT FOR  
TABLE SALT

Commissioner of Patents & Trademarks  
Washington, D.C. 20231

Dear Sir:

CERTIFICATE UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is  
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Name

Date

*Geraldine G. Ibbett*  
*January 22, 2002*

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RESPONSE

This is responsive to the Office Action mailed September 21, 2001, and setting a three-month period for response.

The December 21, 2001, due date for response is extended one month to January 21, 2002, pursuant to the Request for Extension of Time under 37 CFR 1.136(a) submitted herewith. As January 21, 2002, is a federal holiday, response on January 22, 2002 is timely.

Claims 1 and 14-35 are in this application. Claims 1 and 14-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakagawa et al., U.S. Patent 4,963,387; Krotkiewski et al., EP 0 291 578, and Deveau et al., EP 636 321. The Examiner states that Nakagawa et al. disclose a salt substitute comprising sodium chloride, potassium chloride, magnesium, and calcium as well as the use of other additives such as magnesium phosphate, calcium phosphate, magnesium citrate, citric acid, and ascorbic acid; that Krotkiewski et al. disclose a table salt comprising sodium chloride, potassium chloride, calcium, and magnesium while noting the link between salt (sodium chloride) consumption and hypertension; and that Deveau et al. disclose a salt composition

comprising sodium chloride and at least two salts from a group comprising magnesium chloride, calcium chloride, and potassium chloride. The Examiner urges therefore that it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to use the claimed amounts in any of Nakagawa et al., Krotkiewski et al., and Deveau et al. because the use of the claimed components in the production of salt substitutes is taught by the prior art and the manipulation of the amounts does not provide unexpected results, in the absence of which it is not seen how the claimed invention differs from the teachings of the prior art.

The rejection is respectfully traversed and reconsideration thereof is requested. The invention here-claimed is based on Applicants' unexpected discovery that partially replacing the sodium chloride content of prior art salt substitutes with calcium salts provides compositions having a substantially reduced sodium chloride content while retaining a taste and salting power substantially equivalent to common table salt. Whereas known salt substitutes consisting of sodium chloride, potassium chloride, and alkaline earth metal salts generally contain at least 40% by weight of sodium chloride in order to have acceptable taste and salting power, the instant invention surprisingly affords a salt substitute of acceptable taste and salting power, which contains no more than 15 to 25 % by weight of sodium chloride and from 15 to 25 % of a calcium salt.

The Nakagawa et al. reference is directed to a salt substitute containing a combination of whey mineral with an alkali metal salt and, optionally, an alkaline earth metal salt. Specifically, Nakagawa et al. disclose that when combined with sodium and potassium chloride mixtures, or said mixtures additionally containing a magnesium salt, whey mineral enhances saltiness and masks the bitter taste of potassium chloride. Thus, the essential ingredient of the Nakagawa et al. compositions is whey mineral. It is the whey mineral that purportedly enhances saltiness and masks bitterness. There is nothing in the reference to suggest that replacement of a substantial amount of sodium chloride with a calcium salt in the absence of whey mineral, as in Applicants' compositions, would provide salt substitutes having acceptable saltiness and taste properties.

Krotkiewski et al. and Deveau et al. disclose salt substitute compositions containing sodium and potassium chloride together with lesser amounts of a calcium salt. Both references disclose compositions in which sodium chloride is clearly the

predominant ingredient (40% and 50% by weight, respectively) and neither reference suggests reducing the sodium chloride content to 15-25% while increasing the calcium salt content 15-25% to obtain salt substitutes of acceptable saltiness and taste characteristics.

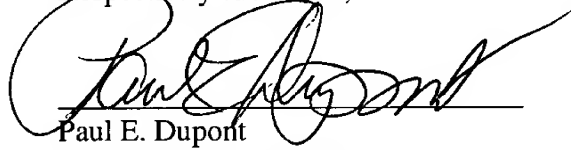
Clearly then, there is nothing in the cited references, taken either individually or in any combination, which would have suggested Applicants' claimed compositions. In fact, the cited references actually teach away from Applicants' invention. Nakagawa et al. teach the need to add whey mineral (absent in the claimed compositions) to sodium chloride/potassium chloride salt substitute compositions in order to enhance saltiness and mask the unpleasant taste of potassium chloride. Krotkiewski et al. and Deveau et al. teach the need to keep the sodium chloride content of a sodium chloride/potassium chloride salt substitute at a minimum of 40-50% (15-25% in the claimed compositions) in order to retain acceptable taste.

There being no remaining issues, this application is believed in condition for favorable reconsideration and early allowance, and such actions are earnestly solicited.

Dated:

January 22, 2002

Respectfully submitted,



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